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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2008

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

1,115.00

| Complete if Known | |
|----------------------|-------------------|
| Application Number | 10/651,583 |
| Filing Date | August 29, 2003 |
| First Named Inventor | TOPP, Daniel P. |
| Examiner Name | PARSLEY, David J. |
| Art Unit | 3643 |
| Attorney Docket No. | TOPP-P7.1-US |

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____

Deposit Account Deposit Account Number: _____ Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

| | |
|---|---|
| <input checked="" type="checkbox"/> Charge fee(s) indicated below | <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee |
| <input type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 | <input type="checkbox"/> Credit any overpayments |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| <u>Application Type</u> | <u>FILING FEES</u> | | <u>SEARCH FEES</u> | | <u>EXAMINATION FEES</u> | | <u>Fees Paid (\$)</u> |
|-------------------------|---------------------|-----------------|---------------------|-----------------|-------------------------|-----------------|-----------------------|
| | <u>Small Entity</u> | <u>Fee (\$)</u> | <u>Small Entity</u> | <u>Fee (\$)</u> | <u>Small Entity</u> | <u>Fee (\$)</u> | |
| Utility | 310 | 155 | 510 | 255 | 210 | 105 | |
| Design | 210 | 105 | 100 | 50 | 130 | 65 | |
| Plant | 210 | 105 | 310 | 155 | 160 | 80 | |
| Reissue | 310 | 155 | 510 | 255 | 620 | 310 | |
| Provisional | 210 | 105 | 0 | 0 | 0 | 0 | |

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Small Entity

Fee (\$) 50 25

Each independent claim over 3 (including Reissues)

210 105

Multiple dependent claims

370 185

Total Claims

Extra Claims

Fee (\$)

Fee Paid (\$)

Multiple Dependent Claims

Fee (\$)

Fee Paid (\$)

- 20 or HP = _____ x _____ = _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims

Extra Claims

Fee (\$)

Fee Paid (\$)

Fee (\$)

Fee Paid (\$)

- 3 or HP = _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| | | | | |
|---------------------|---------------------|---|-----------------|----------------------|
| <u>Total Sheets</u> | <u>Extra Sheets</u> | <u>Number of each additional 50 or fraction thereof</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |
|---------------------|---------------------|---|-----------------|----------------------|

- 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): five month extension of time

Fees Paid (\$)

1,115.00

SUBMITTED BY

Signature

Registration No.
(Attorney/Agent) 35,517

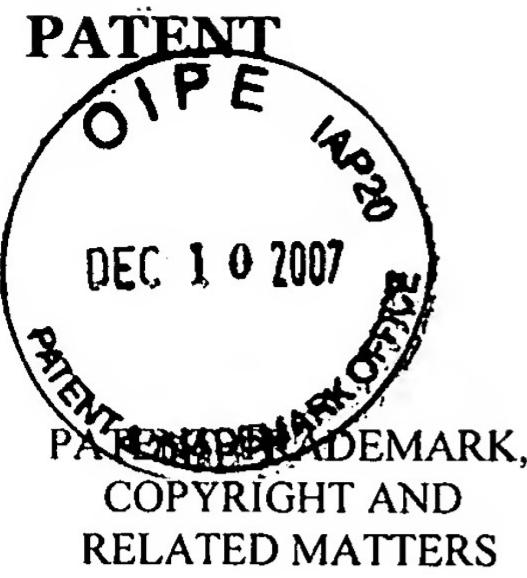
Telephone 610-485-9400

Name (Print/Type) Mark A. Garzia, Esquire

Date December 5, 2007

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



ATTY. DOCKET: TOPP-P7.1-US AF
TP

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO. : 10/651,583
IN RE APPLICANT : TOPP, Daniel P.
TITLE : APPARATUS FOR ERADICATING PESTS
FILING DATE : August 29, 2003
CONFIRMATION NO. : 8842
EXAMINER : David J. Parsley
ART UNIT : 3643
CUSTOMER NO. : 021616

To: Mail Stop APPEAL BRIEF – PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER ACCOMPANYING AMENDED APPEAL
BRIEF TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Dear Sir:

Enclosed herewith is Appellant's Amended Brief Pursuant to 37 C.F.R. §§ 1.192 and

41.37 (34 pgs.). The Appellant's Amended Brief is being submitted in response to a

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1115.00 DP

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communication titled Defective Appeal Brief dated June 5, 2007. The Defective Appeal Brief communication set a shortened statutory period for response that expired on July 5, 2007.

Accordingly, a Petition for Extension of Time, and the appropriate extension fee, to extend the period for response through today's date are enclosed.

The Defective Appeal Brief communication listed several informalities in Appellant's Brief mailed September 11, 2006. Appellant believes it has addressed all informalities listed in the communication.

- [XX] Small entity status of this application pursuant to 37 C.F.R. §1.27 has been established.
[XX] Applicant petitions for an Extension of Time under 37 C.F.R. §1.136 (fees: 37 C.F.R. §1.17(a) - (d) for the total number of months checked below:

| <u>Extension Months(s)</u> | <u>Fee For Other Than Small Entity</u> | <u>Fee For Small Entity</u> |
|--------------------------------|--|---------------------------------|
| [] 1 Month | \$120.00 | \$ 60.00 |
| [] 2 Months | \$460.00 | \$230.00 |
| [] 3 Months | \$1,050.00 | \$525.00 |
| [] 4 Months | \$1,640.00 | \$820.00 |
| [XX] 5 Months | \$2,230.00 | \$1,115.00 |

- [XX] Claims Appendix – Listing of Claims (7 pgs.) are enclosed.
[XX] Evidence Appendix cover page (2 pgs.) Is enclosed.
[XX] Copy of Declaration Under 37 CFR §1.132 of Jeffrey S. Helmes (5 pgs.) is enclosed; and
[XX] Copy of pages from *Audel HVAC Fundamentals Volume I - Heating Systems, Furnaces, and Boilers*, 4th Edition, James E. Brumbaugh, ©2004 by Wiley Publishing, Inc., Indianapolis, IN, pages 2-3, 16, 18-21, 125, 273, 125, 185, 273

Related Proceedings Appendix (1 pg.) is enclosed.

Other documents that are enclosed:

Fee Transmittal for FY2008 – Form PTO/SB/17 (1 pg.); and

A postage-prepaid, self-addressed postcard for the PTO to acknowledge receipt of this communication.

Payment is made by:

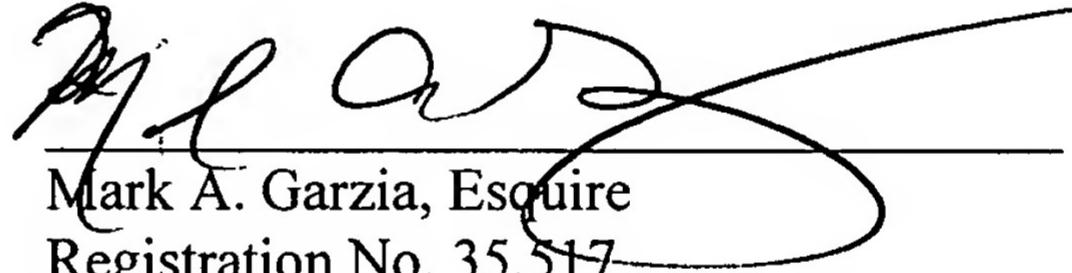
Please charge my Deposit Account No. _____ in the amount of \$ _____. Two copies of this transmittal are attached.

Credit Card Payment Form PTO-2038 authorizing a charge in the amount of \$1,115.00 (fee for 5 month Extension of Time) is enclosed to cover the fee(s) due.

Respectfully submitted,

5 DECEMBER 2007

Date



Mark A. Garzia, Esquire
Registration No. 35,517

Law Offices of Mark A. Garzia, P.C.
2058 Chichester Ave.
Boothwyn, PA 19061
Telephone: (610) 485-9400

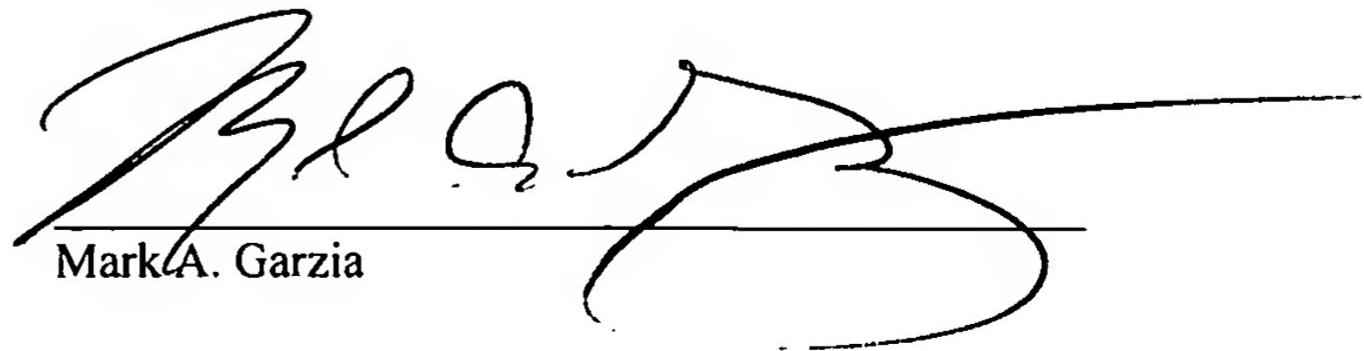
* * * * *

CERTIFICATE OF MAILING

I hereby certify that this communication, along with any paper or fee indicated as being enclosed, are being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Mail Stop APPEAL BRIEF – PATENTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

5 DECEMBER 2007

Date



Mark A. Garzia